

Jul 2, 2016

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United States Court of Appeals for Veterans Claims
625 Indiana Avenue, NW, Suite 900
Washington, D.C. 20004-2950

Docket: 15-1704

Date: July 1, 2016

The Honorable Lawrence B. Hagel
Chief Judge


Dear Judge Hagel,

I received a court order from the court website ordering that the VA Secretary be given an additional 45 days to file their motion in response to my Appellant Informal Brief. Here is what to remember, on 6/20/2016 the Secretary's office went past their time, to file a response to my informal Brief and then asked for a 45-day stay to prepare their response brief. The court then revoked my opposition to this on July 1, 2016, the 60 days that was allotted and allowed them another 45 days effective 6/24/2016. I am submitting my response before my 14 days are up from your order dated July 1, 2016 to oppose this decision in writing. Here are the particulars; I would like to note again the Veterans Affairs good cause has nothing to do with my case or R.15 (b)(c), R.21(a)1-5, R. 28(g), R.45(4) because there are no extraordinary circumstances as required by rule 26(b), and by R.31(b) because the Secretary's good cause has to do with other cases that do not pertain to me or my case. I am listing the Secretary's points of good cause for the record that I do not agree with because the Secretary is working on 2 other cases and negotiating with opposing counsel and trying to reach a joint resolution in 5 cases in their preparation of a response to the EAJA. This clearly shows these are not extraordinary circumstances according to R. 26(b). 1). Rule 45(g) (4) This allows the clerk to do this without prejudice to reinstate the motion 2). This also allows the clerk to do this with just cause, by rules there is no just cause. Under these premises They are prejudicial because under R.(a) General provisions, (g)(4)(J) Noncompliant Submissions. the Veterans Affairs Secretary has had over 414 days to complete the appellate response brief and failed to follow a court order and to do so in a timely manner. 3). Also under R.46 (a)(1)(a)(b)(c), 2(A)(B)(i)(3) The Secretary's representative is certified according to Rule 46 U.S. CAVA on certification and mediation therefore they had ample time to complete this process. 4). The Veterans Affairs has been prejudicial to me because their motion is not extraordinary circumstances, IAW (In accordance with) Rule 26(b), in which the same applies to good cause, there is none. 5) I would like to note under R.28(g) does this rule not apply to the secretary? if not this is prejudicial to me the Veteran. The Secretary's office having a large workload this does not allow them to be excused for their lack of effort because they have over hundred thousand appeal claims and does this apply to all of the over hundred thousand appeal claims. They have been allowed ample time by the laws that govern Veteran's appeals; and the Secretary's office is required to comply with the time constraints rules and they failed under R.38(a)(b) R.31(b). In Rule 10(b) this violates access of the rules of both parties and access to original records, of these rules, I am just finding out about; 45;26;27;33;5;10,31 and other rules in this document. Therefore, it is prejudicial on the side of the VA

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Secretary's office. The judicial efficiency the Veterans Affairs have failed, because they have had 414 days to prepare and now requesting an additional 45 days; for a total of 459 days. Under R.5. The lawyer I had before was admitted to practice in the courts under R.46(ii), failed to exercise my case in a timely, efficient and judicial manner, along with the Veterans Affairs. This Lawyer, I had to remove from my case under R.46(c) and this lawyer under R.(b)(1)(a) was allowed by the Veterans Affairs to practice before the courts after the Veterans Affairs stated under R. 46(a)(1)(A)(i)(ii), also under R.39 this attorney qualifies for compensation after not doing the job for almost a year which left me at an extreme disadvantage against the Veterans Affairs. The Secretary's office failed to notify me the appellant, in a timely manner that they needed time to file an extension and only did this after the court order date of June 20, 2016 which their motion should have been requested before the suspense date to have their response to my Informal Brief on June 20, 2016. I opposed their motion which I received in the mail on June 24, 2016 notifying me they were seeking additional days for circumstances beyond their control, this was in the Veterans Affairs control all along. I would like to note all of the facts and under R.45(a) 4(g)4(J) Rules governing these proceedings, these additional days being requested should be denied. I am again requesting that this order be revoked and my case move forward (IAW) In Accordance with) the Rules of law.

Any help with this would be greatly appreciated,



Walter G. Sheppard
Appellant

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**TO: U.S. COURT OF APPEALS FOR
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**ATTN: THE HONORABLE
LAWRENCE B. HAGEL**

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